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Re: Comments on EPA Water Permits for Dewey-Burdock

The thoughts provided in these comments will stress the continued need and request for a hard look cultural survey. These comments will also offer reasons the people of the Oglala Sioux Tribe hold the lands and resources sacred. It is vital the Oglala Sioux Tribe is granted the opportunity to conduct a Traditional Cultural Survey of the Dewey-Burdock uranium mine project and take another look at the previous findings of the archeological survey in place. The approval of the 1992 amendments of the National Historic Preservation act established Section 101 (d) (6) (A) & (B) that allow the Indian Tribes to identify historic properties of religious and cultural significance. The Standards for developing environmental documents to comply with Section 106, Indian Tribes must be consulted on the effects of the undertakings on historical properties. The Federal agency who is taking the lead in the endeavor won't be able to make a knowledgeable decision if the Oglala Sioux Tribe is not allowed to make a class III hard look survey and identify cultural and historic properties that are important to what the tribe holds sacred.

Commented [RV1]: NHPA

In 36 CFR 800.8 Coordination with the National Environmental Policy Act, requires the Federal lead agency to take a hard look when considering potential adverse effects. In the section of 800.8 (c) (1) Standards for developing environmental documents to comply with Section 106, sub-(iii) states , Consult regarding the effects of the undertaking on historical properties with the SHPO/THPO, Indian tribes, that might attach religious and cultural significance to historic properties, other consulting parties, and the Council, where appropriate, during the NEPA scoping, environmental analysis, and the preparation of NEPA documents.

The National Environmental Policy Act obligates every federal agency to prepare an adequate environmental impact statement before taking any major action, which includes issuing water permits for a uranium license. The statute does not permit an agency to act first and comply later. The Oglala need to show that any construction at the site would cause permanent damage to resources. Without an acceptable survey of the site the ability to show these potential effects would be practically impossible.

Commented [RV2]: NEPA

On July 20, 2018 the United States Court of Appeals, For the District of Columbia Circuit decided in the matter of The Oglala Sioux Tribe v. U.S. Nuclear Regulatory Commission and United States of America, Powertech (USA), Inc. Intervenor, at the Dewey-Burdock uranium mine that the EIS did not satisfy NEPA because it failed to adequately address the environmental effects of the project on Native American cultural, religious, and historical resources.

The decision goes on to state, "the EIS in this proceeding does not contain an analysis of the impacts of the project on the cultural, historical, and religious sites of the Oglala Sioux Tribe and the majority of other consulting Native American tribes. Because the cultural, historical, and religious sites of the Oglala Sioux Tribe have not been adequately cataloged, the EIS does not include mitigation measures sufficient to protect this Native American tribes cultural, historical, and religious sites.

Commented [RV3]: NEPA

The Oglala Sioux Tribe maintains they were not afforded the opportunity to discuss the effects the Dewey-Burdock project has had on the cultural and religious properties that are considered significant. The archeologist(s) who conduct the surveys for the companies of drilling and mining projects do not have the knowledge of the connection the Lakota have to the water, land, air, or the cultural environment. The archeologist(s) are not able to identify what is important to the Lakota people, they cannot identify our stone features, cultural sites, and sacred landscapes that are attached to water. The knowledge of these and the ceremonies were and are passed from one generation to the next through oral interpretations. There are no individuals in modern science or technology who have the ability to describe or interpret this knowledge. The archeologist who are doing the surveys for the Dewey-Burdock expansion and other mining projects fall into this category of the uninformed.

To be able to identify and catalogue potential items of cultural, historical, and religious significance to the Oglala Sioux Tribe, a through survey needs to be conducted by person who are knowledgeable in aspects of what is important to the Tribe. The survey needs to be conducted by members of the Oglala Sioux Tribe with a methodology developed for these purposes.

Commented [RV4]: NHPA

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